THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.20038 OF 2005

Dated: 05-12-2005

Between

Reddi Sai Ramakrishna Prasad, S/o. Papa Rao, R/o. 2-46-19, Kakatiyanagar, Near Pragathi Public School, Kakinada, East Godavari District.

…PETITIONER

AND

The Inspector of Police, Indrapalem Police Station, East Godavari District.

…RESPONDENT

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondent in maintaining the history sheet against him in Indrapalem Police Station, East Godavari District, as illegal and arbitrary.

Petitioner is A.1 in Cr.No.33 of 2005 of Indrapalem Police Station for the offence under Sections 120-B and 302 read with Section 109 Indian Penal Code, 1860. It is stated that the petitioner was arrested on 28.03.2005 and later released on regular bail on 13.04.2005 by the IV Additional District and Sessions Judge, Kakinada in Crl.MP.416 of 2005. After completion of investigation, charge sheet was filed, which was taken on file as P.R.C.No.37 of 2005 on the file of the IV Additional Judicial First Class Magistrate, Kakinada. It is further stated that a history sheet was opened against the petitioner on 03.04.2005.

Learned counsel for the petitioner submits that opening of the history sheet against the petitioner under Standing Order 733 of the Police Standing Order, on the pendency of single and sultry case is illegal and arbitrary. It is further submitted that the petitioner is not a habitual offender and he never aided or abetted for the commission of the said crime.

It is difficult to accept the said contention of the learned counsel for the petitioner as admittedly a case in Cr.No.33 of 2005 is pending against the petitioner and whether the petitioner aided or abetted or committed the said offence is a matter to be decided in the said case.

Learned counsel for the respondent submits that with regard to the municipal elections, the petitioner was creating law and order problem in the Sarpavaram village limits on 10.09.2005 and in order to maintain peace and tranquility the police registered a case in Cr.Nos.178 and 183 of 2005 on 10.09.2005; arrested and produced him before the Mandal Executive Magistrate, Kakinada for initiation of 110 Cr.P.C. and the petitioner was bound over for a period of six months. Therefore, maintaining the history sheet against the petitioner cannot be found fault with.

As the history sheets and rowdy sheets are being reviewed every year, the respondent may review either to close or to continue the history sheet opened against the petitioner taking into consideration his behaviour and conduct and take appropriate decision in accordance with law.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

December 5, 2005

DSK